

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 1:24-cv-22149-LEIBOWITZ

TUSHBABY, INC.,

Plaintiff,

v.

FLEEROSE,

Defendant.

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MOTION TO REOPEN CASE

Pursuant to the Court's July 8, 2024 Order [ECF No. 9], Plaintiff Tushbaby, Inc., through counsel, files this motion to reopen this case. As grounds, Plaintiff states:

1. On July 8, 2024, the Court denied Plaintiff's motion for alternative service and directed the Clerk to administratively close the case. [*Id.*].
2. On August 12, 2024, Plaintiff filed a second motion requesting alternative service and set forth its additional investigation into Defendant's address for service of process. [ECF No. 11]. And on August 20, 2024, the Court granted that motion and permitted Plaintiff to serve Defendant Fleerose by email to its counsel, Mr. Liu, and via its Amazon.com email address. [ECF No. 12 at 5]. The Court also required Plaintiff to serve Defendant Fleerose by public announcement in the jurisdiction where Defendant Fleerose purportedly resides. [*Id.*].
3. On September 3, 2024, Plaintiff served a copy of the Complaint, its exhibits, the Civil Cover Sheet, Summons, and the Court's August 20, 2024 Order on alternative service by email to Mr. Liu and the email address associated with Defendant Fleerose's Amazon.com account. *See* Declaration of Leo Lichtman ¶ 4, which is attached hereto as **Exhibit 1**.

4. Further, on September 11, 2024, notice was published in the Shandong Economic Herald after Chinese counsel determined that Defendant Fleerose was located there. The notice reads:

NOTICE TO DEFENDANT FLEEROSE/QINGDAO HUIZHI YANGMING TRADING CO., LTD. Please be advised that a case has been filed against you in the United States District Court for the Southern District of Florida, captioned Tushbaby, Inc. v. Fleerose, No. 1:24-cv-22149. You are hereby advised that the Plaintiff is seeking a judicial declaration that it has not infringed U.S. Design Patent No. D1,024,542 and that the patent is invalid. A copy of the Complaint and other legal documents was served on you and your attorney by email at jamesliulaw@gmail.com and huizhiym@outlook.com on September 3, 2024 pursuant to court order. If you would like to request another copy of the Complaint or any other legal documents, you may do so from Plaintiff's attorneys, Leo M. Lichtman (leo@esca.legal) and James Slater (james@esca.legal).

Pursuant to the federal rules, any answer or other response to the Complaint should be filed with the Clerk of Court, United States District Court for the Southern District of Florida within twenty-one (21) days of September 3, 2024.

See Lichtman Decl. ¶¶ 5–6.

5. Accordingly, Plaintiff now seeks to reopen this case now that it has served Defendant Fleerose as required by the Court's August 20, 2024 Order on alternative service.

WHEREFORE, Plaintiff Tushbaby, Inc. respectfully requests that the Court reopen this case for further proceedings.

Dated: September 12, 2024

Respectfully submitted,

James M. Slater

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